

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1885

Introduced by Assembly Member Hill

February 16, 2010

An act to amend Section 602.4 of the Penal Code, relating to malicious mischief.

LEGISLATIVE COUNSEL'S DIGEST

AB 1885, as amended, Hill. Malicious mischief: airport property: transportation services.

Existing law provides that every person who enters or remains on airport property owned by a city, county, or city and county but located in another county, and sells, peddles, or offers for sale any goods, merchandise, property, or services of any kind whatsoever, to members of the public, including transportation services, other than charter limousines licensed by the Public Utilities Commission, on or from the airport property, without the express written consent of the governing board of the airport property, or its duly authorized representative, is guilty of a misdemeanor.

This bill would remove the exception in the offense for charter limousines licensed by the Public Utilities Commission. *The bill would also provide that any charter-party carrier licensed by the Public Utilities Commission at an airport operating under a prearranged basis, as specified, would not constitute the sale, peddling, or offering of goods, merchandise, property, or services, for purposes of those existing law provisions.*

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 602.4 of the Penal Code is amended to
2 read:

3 602.4. (a) Every person who enters or remains on airport
4 property owned by a city, county, or city and county but located
5 in another county, and sells, peddles, or offers for sale any goods,
6 merchandise, property, or services of any kind whatsoever, to
7 members of the public, including transportation services, on or
8 from the airport property, without the express written consent of
9 the governing board of the airport property, or its duly authorized
10 representative, is guilty of a misdemeanor.

11 ~~Nothing~~

12 (b) *Nothing* in this section affects the power of a county, city,
13 or city and county to regulate the sale, peddling or offering for
14 sale of goods, merchandise, property, or services.

15 (c) *For purposes of this section, any charter-party carrier*
16 *licensed by the Public Utilities Commission at an airport operating*
17 *under a prearranged basis, as defined in Section 5360.5 of the*
18 *Public Utilities Code, shall not constitute the sale, peddling, or*
19 *offering of goods, merchandise, property, or services.*

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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